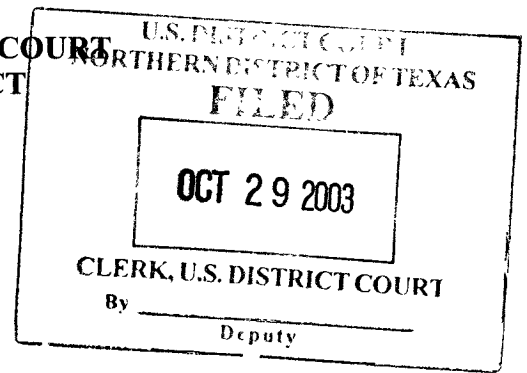


**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
AMARILLO DIVISION**



**LINDSEY BALDRIDGE,
IRIS ELAINE MOSLEY,
CINDY OPAITZ, LINDA SAUNDERS,
SUSAN MIMMS , LEROY DURAN,
FRANK BRISENO, JAMES BULLS,
ROYCE GLENN, MICHAEL WATKINS
STEVEN MADRID and
LINDA SAN PEDRO, individuals,**

Plaintiffs

v.

**SBC COMMUNICATONS, INC.,
a Delaware Corporation,
CINGULAR WIRELESS, LLC,
a Delaware Limited Liability Company,**

Defendants.

CA NO. 2-03071-3-J

COMPLAINT-REPRESENTATIVE ACTION

INTRODUCTION

1. This is a representative action for unpaid wages and overtime brought pursuant to Fair Labor Standards Act, 29 U.S.C. §216 (b).

JURISDICTION

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1331 and 1337.

PARTIES

3. Plaintiffs Lindsey Baldrige, Iris Elaine Mosley, Cindy Opaitz, Linda Saunders, Susan Mimms, Leroy Duran, Frank Briseno, James Bulls, Steven Madrid, Royce Glenn, Michael Watkins and Linda San Pedro, all individuals, are residents of Lubbock County, Texas. They bring this action on behalf of themselves and as representatives of similarly situated workers who file consents to join in this action.

4. Defendant SBC Communications, Inc., a Delaware Corporation ("SBC") is engaged in the production of goods and services for commerce in the State of Texas and at various other locations in the United States. Cingular Wireless Communications, LLC ("Cingular") is a Delaware Limited Liability Company engaged in the production of goods or services for commerce in the State of Texas and various other locations in the State of Texas and elsewhere. SBC may be served with process by serving its registered agent for service, CT Corporation System, 350 N. St. Paul, Dallas, Texas. Cingular may be served with process by serving its registered agent for service, Corporation Service Company, 701 Brazos Street., Suite 1050, Austin, Texas 78701.

5. At various times up until October, 2003, Plaintiffs have been employed in the production of goods and/or services for commerce at the call center operated by Defendant Cingular in Lubbock, Texas and previously operated by SBC. The defendants maintain and operate call centers at other locations with similarly situated employees subjected to similar treatment.

6. During this time Defendant Cingular and SBC failed to pay Plaintiff s their regular rate of pay for all hours of work they performed up to 40 hours per week and failed to pay them overtime for hours of work they performed in excess of 40 hours per week as required by the Fair Labor Standards Act.

7. The failure to pay Plaintiffs their lawful wages under the Fair Labor Standards Act included, but was not limited to, failing to pay them for time spent off the clock handling calls for representatives, participating in training, working through their unpaid one (1) hour lunch break, working on weekends and at home, completing forms and improperly classifying said employees as exempt salaried, at the direction of their employer before the beginning of, during and after the scheduled end of their shift.

8. Numerous similarly situated individuals working in the production of goods for commerce at the Defendants' call center(s) in Lubbock, Texas and elsewhere were also deprived of their lawful wages under the Fair Labor Standards Act in the same manner as Plaintiffs. This action is also brought on behalf of those similarly situated workers.

9. The Defendants' failure to pay Plaintiffs and similarly situated workers their lawful wages required by the Fair Labor Standards Act was willful. Despite its knowledge that time spent working off the clock was and is compensable the defendants improperly and erroneously classified said employees as exempt salaried employees to avoid paying overtime. SBC and Cingular took no steps to compensate works at its call centers in the State of Texas for this time and, on information and belief, took no steps to compensate workers at its other locations for this time.

REPRESENTATIVE ACTION

10. Plaintiffs bring this action on behalf of themselves and all similarly situated call center employees and former employees of SBC and Cingular. Plaintiffs request that notice be issued to these employees informing them of their right to file consents to join in this action.

CAUSE OF ACTION

11. Plaintiff and similarly situated works are entitled to relief pursuant to 29 U.S.C. §201, et seq and §216 (b) of the Fair Labor Standards Act.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff PRAYS that this Court:

1. Issue notice to all similarly situated employees of SBC and Cingular, informing them of their right to file consents to join in this action;
2. Declare that Plaintiffs Lindsey Baldrige, Iris Elaine Mosley, Cindy Opaitz, Linda Saunders, Susan Mimms, Leroy Duran, Frank Briseno, James Bulls, Steven Madrid,

Royce Glenn, Michael Watkins, Linda San Pedro and similarly situated workers who file consents to join this suit are entitled to pay for all of their FLSA-defined hours of work, including, but not limited to, time spent working off the clock handling calls for representatives, participating in training, working through their one (1) hour unpaid lunch break, working on weekends and at home, compiling forms and company reports and in being improperly classified as exempt-salaried to avoid overtime.

3. Awarding Lindsey Baldrige, Iris Elaine Mosley, Cindy Opaitz, Linda Saunders, Susan Mimms, Leroy Duran, Frank Briseno, James Bulls, Steven Madrid, Royce Glenn, Michael Watkins, Linda San Pedro and similarly situated workers, who file consents to join this suit, their unpaid regular hourly wages for all hours of work up to 40 hours per week and their unpaid overtime for all hours of work in excess of 40 hours per week, an equal amount of liquidated damages, attorneys fees and costs of suit and such other relief as this Court deems just and proper.

Respectfully submitted,

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